



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
PATRIOT MEDIA & COMMUNICATIONS, CNJ,)
LLC FOR A RENEWAL CERTIFICATE OF)
APPROVAL TO CONTINUE TO CONSTRUCT,)
OPERATE AND MAINTAIN A CABLE SYSTEM)
IN AND FOR THE TOWNSHIP OF)
PRINCETON, COUNTY OF MERCER, STATE)
OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE03121021

SERVICE LIST ATTACHED

BY THE BOARD¹:

On October 12, 1982, the Board granted Home Link Communications ("Home Link") a Certificate of Approval in Docket 816C-6800, for the construction, operation and maintenance of a cable television system in the Township of Princeton ("Township"). On September 25, 1987, the Board approved Home Link's acquisition of 40% of the system's interest from Dow Jones, in Docket No. CM87091129. Thereafter, Home Link started doing business as C-TEC Cable Systems which did not require a transfer of the Certificate of Approval. On October 27, 1993, in Docket No. CM93080313, the Board approved the restructuring of C-TEC into three separate subsidiaries, which included Home Link Communications of Princeton d/b/a C-TEC Cable Systems and RCN of New Jersey, Inc ("RCN"). In that transaction, RCN acquired the majority voting control in C-TEC Cable Systems, the ultimate parent company of ComVideo. On September 14, 1994, the Board issued a Renewal Certificate of Approval to Home Link of Princeton d/b/a C-TEC Cable Systems in Docket No. CE94050158. The Board approved the sale and transfer of the Certificate of Approval from RCN to Patriot Media and Communications CNJ, LLC, on February 6, 2003, in Docket No. CM02090653. Although the Petitioner's above referenced Certificate expired on September 14, 2003, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner's predecessor filed an application for the renewal of its municipal consent with

¹ Commissioner Frederick F. Butler did not participate in the deliberation of the vote on this matter.

the Township on January 11, 2002, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On May 19, 2003, after public hearing, the Township adopted an ordinance granting renewal municipal consent to the Petitioner and thereafter the Township amended its ordinance on November 10, 2003. On November 19, 2003, the Petitioner accepted the terms and conditions of the ordinance as amended, in accordance with N.J.S.A. 48:5A-24. On December 23, 2003, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township.

The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance and amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 12 years, as measured from October 13, 2002. The Board finds this period to be of reasonable duration.
5. The Township has reserved the right to review the performance of the Petitioner with regard to the ordinance and seek redress administratively through the Board. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide notice to the Petitioner. If the Petitioner does not cure the deficiency, the Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term.
6. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 25.
7. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
8. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.

9. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains a local office located at 100 Randolph Road in Somerset, New Jersey.
10. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
11. The Petitioner shall provide public, educational, and governmental ("PEG") access equipment and facilities as described in the application and the ordinance. The Petitioner shall provide six channels for PEG access which are to be shared by the Township and the Borough of Princeton ("Borough"). These access channels are to have the following designations: a) K to 12 educational; b) public; c) Township; d) Borough; e) community college; and f) University. The Petitioner shall continue to provide programming by Mercer County Community College as it has in the past, unless it is prevented from doing so due to circumstances beyond its control. The Petitioner shall provide the Township's PEG access users with reasonable technical assistance in producing programming. The Petitioner shall also select various events of local interest for video coverage using its mobile facilities and production personnel.
12. The Petitioner shall provide up to \$5,000.00 per year in materials and services to support the extension of the Institutional Network. Additionally, the Petitioner shall also extend the Institutional Network to the Harrison Street Rescue Squad, the Chestnut Street Fire Station and the Princeton Charter School. All currently existing and new locations on the Institutional Network will continue to be supported by the Petitioner and maintained by the Petitioner for the term of the franchise, as stipulated in the ordinance.
13. The Petitioner shall make available a sum in the amount of \$0.17 per subscriber per month, for use by the Joint Princeton Cable Television Committee for the production of PEG programming, with the sum to be payable to the Township at the same time that the annual franchise fee is paid. The Petitioner shall also pay \$40,000.00 per year, with the sum to be increased annually at the rate of the Consumer Price index, to the Township and the Borough jointly, for the production of PEG programming. Such sum shall be paid upon receipt of this Certificate and again at the beginning of each franchise year. The Petitioner shall file statements with the Office of Cable Television indicating its compliance with these provisions upon completion and at the beginning of each franchise year, when the franchise fee is paid.
14. In addition to the normal production schedule, the Petitioner shall co-produce with the Committee, no fewer than ten special events per year, as required by the ordinance.
15. The Petitioner shall provide and maintain the modulators to allow programming to be originated live from the following locations via the Institutional Network: Princeton Township Hall, Princeton Borough Hall, Princeton High School and the local origination

site. In addition, the Petitioner shall provide and maintain the character generators at the Township Hall and Township Hall. Origination capability from these locations shall be provided at no charge. The Petitioner shall also provide expanded basic cable service to each origination point.

16. The Petitioner shall offer any equipment of which it is disposing to the Township's PEG designees at a comparable price to what would have been received elsewhere by the Petitioner.
17. The Petitioner shall continue to provide the Township with the standard installation and one outlet of expanded basic cable service to each school and/or municipal site at the same level of service currently offered, free of charge.
18. Pursuant to the Board's order dated February 13, 2003, In Docket No. CX01070460, which was subsequently amended in Docket No. CM02090653, the Petitioner was required to complete the rebuild/upgrade of the cable system in the Township no later than September 30, 2003². The new system will operate at a minimum capacity of 750 Megahertz (MHz) and will be capable of providing two-way high-speed cable modem service, high quality digital cable channels, increased network reliability and improved picture quality.
19. The Petitioner shall establish "telephone accessibility goals" and submit them to the Township within one month of receipt of this Certificate.
20. The Petitioner agrees to meet with the Princeton Cable Television Committee and, at the discretion of the Committee, the Petitioner shall participate in an annual public review of its performance under this franchise agreement.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

² Docket No. CM02090653 extended the original date of completion from June 30, 2003 to September 30, 2003 and provided the Township with an in-kind benefit of the additional amount of \$6000.00 beyond any previous commitment for a capital contribution for cable related needs. The Office of Cable Television has confirmed that the rebuild in the Township was completed by July 30, 2003, and the additional money was paid to the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire October 12, 2014.

DATED: May 12, 2004

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

SERVICE LIST

Dennis Linken, Esq.
Stryker, Tams & Dill
Two Penn Plaza
Newark, NJ 07105

Steven Goodell, Esq.
Herbert, VanNess, Cayci & Goodell
22 Chambers Street
Princeton, NJ 08542

Linda McDermott
Township Clerk
Princeton Township
400 Witherspoon Street
Princeton NJ 08540-3284

John Gdovin
Patriot Media
100 Randolph Road
Somerset, NJ 08873

Celeste M. Fasone, Director
Board of Public Utilities
Office of Cable Television
Two Gateway Center
Newark, NJ 07102

Nancy J. Wolf
Coordinator, State and Local Planning, South
Board of Public Utilities
Office of Cable Television
Two Gateway Center
Newark, NJ 07102